



WIAB 06-01

DATE: January 29, 2002
TO: All Local Workforce Investment Areas
FROM: Cheryl A. Brush, Chief, Workforce Systems Bureau
SUBJECT: Use of Individualized Education Plans in WIA Skill Attainment Systems

Background:

Questions have been raised about the allowability of using Individualized Education Plans (IEPs) as pre- and post-test instruments for WIA skill attainments. Case managers have pointed out that students with disabilities (a) have been tested/assessed extensively in the creation of IEPs, using instruments/processes designed for this purpose and (b) in some cases are incapable of attaining regional benchmarks, particularly work readiness benchmarks, within a 12-month period and questioned whether there is any way they can work with these youth using the existing assessments from IEPs and still count skill attainments.

We have spent considerable time researching this issue with the Department of Education (DoEd), have consulted with USDOL, and have come to agreement on what would be acceptable here from a state performance management perspective. It will be up to each local workforce area to determine if they wish to adopt this policy locally.

Parameters

In analyzing this issue, the primary focus has been on arriving at a course of action that balances several concerns/parameters - some regulatory, some philosophical, some concerns raised by DoEd, and some purely logistical:

- ❑ Skill attainment systems need to identify the proficiency levels required to claim a skill attainment, the minimum amount of achievement to be considered reportable as a skill gain, and the acceptable assessment techniques to measure skill acquisition.
- ❑ Minimum criteria for skill attainment goals are set by local boards based on needs of the local labor market and apply regionwide.
- ❑ Measurement tools must either be standardized tests or be assessment techniques that are objective, unbiased and conform to widely accepted, clearly defined criteria, be field tested for utility, consistency, and accuracy, and provide for the training/preparation of all raters/scorers. Information on achievement of skill attainment goals should be derived from case management or follow-up services. All data and methods to determine achievement of skill attainment goals must be documented and are subject to audit.

- ❑ Attainment of skill attainment goals must generally occur within 12 months of being set.
- ❑ JTPA Youth Competency systems have been grandfathered in as skill attainment systems in Idaho. Revisions to these systems require demonstration that measurement tools meet criteria stated above.
- ❑ Recently completed objective assessments completed by another education program may be used in development of service strategies.
- ❑ Current law requires that students with disabilities have IEPs that establish goals for and measure the progress of these youth while they are in school. These IEPs are developed by trained special education counselors and recognized by local school districts and by definition, are based on the specific circumstances of each student's capabilities.
- ❑ DoEd has developed a set of standards/guidelines for the proper construction of IEPs to be used as pre- and post-tests for measuring the acquisition of WIA skill attainment goals (Attachment 1).
- ❑ Current skill attainment systems allow for use of IEPs that meet the above standards/guidelines developed by DoEd.
- ❑ Students with disabilities cannot always be expected to progress toward established benchmarks at the same rate as other students and to require all these youth to achieve regionally-prescribed skill attainment benchmarks within the prescribed timeframes is setting many of them up for failure.
- ❑ DoEd staff have stressed that proficiency benchmarks over the long haul should not be set lower for students with disabilities, as the requirements for these students in the workplace tend to be the same as for other students. Staff have indicated that the needs of students with disabilities might have to be accommodated but the long-range proficiency levels should be the same.
- ❑ Reporting of skill attainments for students with disabilities must occur without compromising the integrity of the performance measurement system.

Alternatives

Alternatives for addressing the above concerns/parameters include:

- 1) *Continue requirement for use of regionally-established skill attainment tools and benchmarks for all participants within established timeframes, with no exceptions.*

This approach is most consistent with USDOL performance management directives and would maintain the standards established for the local labor market for all youth, ensuring the highest degree of comparability among outcomes. It does not, however, take into account the unique developmental needs of youth with disabilities or processes already in place to address these needs and may well impede the ability of many of these youth to achieve some measure of success with the program.

- 2) *Exempt all students with disabilities from requirements to attain regionally-established benchmarks using regionally-approved assessment techniques, thus allowing skill attainment goals to be subjectively set for each student with disabilities on an individualized basis without regard to long-term proficiency standards or comparability of results.*

This approach would allow the reporting of skill attainments for every disabled youth that accomplishes something while in the program, as long as some form of “forward motion” occurs. While the most flexible, it is (a) purely individualized and therefore not in compliance with USDOL guidance and (b) compromises the integrity of a regional performance accountability system, based on regionwide standards and the need for comparability of results, (c) does not address the concern of the DoEd that proficiency benchmarks over the long haul be the same for students with disabilities as for other youth.

- 3) *Retain use of regionally-established skill attainment tools/benchmarks/timelines for all youth except in those instances in which a special education counselor attests/documents that a given student with disabilities is incapable of meeting the established benchmarks within the required 12-month framework.*

In these cases, an IEP would be developed for the student with disabilities that complies with standards developed by the DoEd for this purpose (attached), that identifies regionally-adopted proficiencies as eventual goals, but that develops a timetable for acquiring these proficiencies in annual increments. Attainment of each annual increment would then be reportable as a skill attainment for that student.

This approach retains the concept of regionalized benchmarks/tools based on the needs of the local labor market, but does allow limited exceptions for extenuating circumstances with this population. It essentially stipulates that use of regional benchmarks/tools/timelines would remain first priority, but that if documentation exists that renders this impossible, allows an alternative. Put another way, it suggests that while all youth need to ultimately attain similar proficiencies, timetables for accomplishing this might vary. It’s a combination of the first two, designed to increase the likelihood of success as defined by the local labor market for all participating youth, but allowing special accommodation for unique circumstances where warranted and utilizing existing assessment tools/processes designed specifically to meet the needs of students with disabilities.

Because existing skill attainments systems built in provision for limited use of IEPs when this guidance was released, adoption of this approach would not constitute formal revisions to these systems that would require “compliance tests”.

Policy

Attainment of regionally-defined benchmarks, using regionally-approved assessment tools within the federally-prescribed 12-month period is the first priority in the setting/reporting of WIA skill attainments.

An Individualized Educational Plan (IEP) may be used as pre- and post-test instruments for the setting/reporting of skill attainments for a student with disabilities whose IEP reflects an inability to attain regionally-prescribed benchmarks, using regionally-approved assessment tools, within a 12-month period.

IEPs used in this way must contain the information required in Attachment 1 and must establish regionally-prescribed proficiencies as long-range goals, but may specify a tiered approach to the attainment of these proficiencies, using annual increments of skill gain. Attainment of annual increments may then be reported as skill attainments, provided these attainments comply with other requirements stipulated in federal, state, and local policy.

Demonstration of Skill Attainment for Students with Disabilities
Developed by Jacque Hyatt, State Department of Education

For students with disabilities, the following demonstration of skill attainment should be followed.

BASIC SKILLS OF MATH, READING AND WRITING:

Demonstration of skill attainment should utilize the same instruments and methods as used for all students. Testing accommodations should be considered for students with disabilities that are approved by the testing manufacturer and that do not invalidate the test scores.

Any increase outside the Standard Error of Measurement may be counted as a gain on standardized test instruments.

WORK-READINESS SKILLS - PRE-EMPLOYMENT AND WORK MATURITY - AND OCCUPATIONAL SKILLS:

Demonstration of skill attainment may utilize the student's Present Levels of Performance, IEP goals and benchmark/objectives and the progress monitoring for each goal. In order to provide information related to skill attainment the following components must be in place.

Present Level of Performance:

Must include current performance in the area identified for skill development. Performance can be measured from a variety of sources including assessment information, and the general education classroom.

Annual Goal:

Behavior: the skill or action to be performed and monitored

Performance Criteria: how well the student will perform the skill using a standard of performance, such as; rate, frequency, accuracy, time/duration

Evaluation procedure: what method or tool will be used to evaluate progress

Benchmark/Objective:

These must be measurable, intermediate steps between the present level of performance and the goal.

Progress Monitoring:

A statement describing how progress will be measured and include;

- 1) how the parent/student will be informed of progress toward the goal,
- 2) the extent to which the progress is sufficient to achieve the goal, and
- 3) how often progress will be reported.